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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,016	10/04/2001	Tariq M. Rana	267/302	2378
34055	7590	04/23/2004	EXAMINER	
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			LUKTON, DAVID	
			ART UNIT	PAPER NUMBER
			1653	
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/972016

EXAMINER
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ART UNIT	PAPER NUMBER
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2004-0401

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Please see the attached communication regarding the response to the restriction requirement.

Applicants' election of Group IV (claims 15-18) with traverse is acknowledged. Also acknowledged is applicants' attempt to comply with the election of species requirement. Applicants have elected an unidentified protein labeled with an unidentified dye molecule. The only limitation offered is that the protein must comport with applicants' view of a "Tat" protein. Applicants have also elected an unidentified fluorophore, and have argued that an unidentified fluorophore qualifies as a specific acceptor dye molecule.

However, applicants are found to be non-responsive to the election of species requirement.

What is required is identification of species as follows:

- (a) a specific "modified protein" that bears a specific donor dye molecule. The modified protein should be identified with sufficient specificity so that the total number of amino acids is clearly evident, the sequence of amino acids is clearly evident, the position (in the sequence) of the "analog of the amino acid" is clearly evident, and the point(s) of attachment of the donor dye molecule is clearly evident, along with any linking group that links the donor dye molecule with the "modified protein".
- (b) a specific "donor dye molecule" with a fully defined structure such that every atom in the molecule is accounted for; and
- (c) a specific "acceptor dye molecule" with a fully defined structure such that every atom in the molecule is accounted for

The time period for response (one month) is reset pursuant to this Office action.

However, failure to elect fully defined species as set forth above will result in abandonment of the application.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at 571-272-0951.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



**DAVID LUKTON**  
**PATENT EXAMINER**  
**GROUP 132**